

WES MOORE
Governor

ARUNA MILLER
Lt. Governor



RUNAKO KUMBALA ALLSOPP, Esq.,
CHAIR
LYNN MARSHALL, Esq.

STATE OF MARYLAND
OPEN MEETINGS COMPLIANCE BOARD

19 Official Opinions of the Compliance Board 178 (2025)

July 17, 2025

Washington County Board of County Commissioners

The Complainant alleges that the Washington County Board of County Commissioners (the “County Board” or “Board”) violated the Open Meetings Act (“the Act”) by warning him to not engage in offensive or harassing behavior and by prohibiting him from attending the Board’s open meetings for six months after he used profanity and exposed his buttocks at previous Board meetings. The Board responds that it has a right to prevent the Complainant from appearing in person to eliminate “inevitable disruption” and the Complainant had a “meaningful” alternative of observing meetings via livestream.

For the reasons below, we conclude that the County Board did not violate the Act by warning the Complainant not to engage in harassing or offensive behavior. But we find that the Board violated the Act by prospectively banning the Complainant from its open meetings for six months.

Background

The Complainant regularly attends meetings of the County Board and participates in the public comment portions of meetings. He frequently insults members of the County Board, uses curse words, and has exposed his buttocks multiple times. The following are the most recent events leading up to the complaints here.

On March 4, 2025, during the public comments portion of a County Board meeting, the Complainant addressed the Board for about three minutes.¹ He cursed several times, compared the Commissioners to Nazis, and accused several Commissioners of crimes and

¹ A recording of the meeting is available at <https://www.youtube.com/live/T3C0xeNcFNM?t=1664s> (last visited July 17, 2025). The Complainant’s comments begin around the 37:40 timestamp.

19 Official Opinions of the Compliance Board 178 (2025)

July 17, 2025

Page 179

misconduct while advocating against a decorum policy that he said would silence free speech.

On March 18, 2025, the Complainant spoke during a public comment portion of a County Board meeting, exposing his buttocks, the Complainant said, to demonstrate his views on the Board's "policies and [its] intellect."²

On March 20, 2025, the County Attorney emailed the Complainant a "notice that the behavior [that he] ha[d] previously exhibited at Commissioner meetings" and "threatened to exhibit in future meetings" was "completely unacceptable." The County Attorney said that the Complainant's use of "foul language" and "yelling and screaming in threatening tones" during public comment periods had caused "real harm to County employees," who "[did] not feel safe attending meetings when [he] [was] present" and were "distracted and disturbed by [his] presence even when they [were] not actively participating."³ The letter concluded with the following:

In order to protect County employees, you are to cease all of your harassing conduct towards the County and its employees. The escalation of your language and actions are a genuine safety concern to the County. If you continue to act in a harassing and offensive manner, the County will explore all legal options available to protect staff and citizens conducting legitimate County business.

On April 8, 2025,⁴ the Complainant attended a County Board meeting and addressed the body for about two-and-a-half minutes during a public comment period.⁵ The Complainant used curse words and complained about the Board's changes to its public comments policy. He then warned the audience that he intended to expose his buttocks to the Commissioners. As he stood up and began pulling down his shorts, the County Board's President told the Complainant that he was "out of time." The Complainant briefly exposed his buttocks and the President told the Complainant that he was "disrupting the meeting"

² A recording of the meeting is available at https://www.youtube.com/watch?v=MqtPLXiD0z4&list=PL7X-j0EwreAd_6kV3IjxO-XNwDNn0esS&index=17 (last visited July 17, 2025). The Complainant's comments begin around the 45:17 timestamp.

³ The County Attorney also asserted that the Complainant had "consistently sen[t] hateful and inappropriate e-mails to County employees, containing racial slurs and epithets[] that have nothing to with County business," and used "requests under the Public Information Act as an opportunity to abuse, harass, and insult County staff and citizens who [he] include[d] in [his] e-mails."

⁴ The complaint says that this meeting occurred on March 8, but that appears to be a typo.

⁵ A recording of the meeting is available at https://www.youtube.com/watch?v=E8gUWmjhros&list=PL7X-j0EwreAd_6kV3IjxO-XNwDNn0esS&index=13 (last visited July 17, 2025). The Complainant's comments begin around the 18:39 timestamp.

19 Official Opinions of the Compliance Board 178 (2025)

July 17, 2025

Page 180

and to “please leave.” When the Complainant said that he still had time remaining to address the Board,⁶ the President repeated that the Complainant had disrupted the meeting and said that the Board would recess the meeting if the Complainant did not leave. The Complainant continued to argue that he was entitled to exhaust his allotted comment time, and the Board recessed the meeting.

Following this exchange, County officials told the Complainant that he was not allowed to attend County Board meetings for the next six months. In a letter that the County Attorney emailed the Complainant the same day (April 8), the County Attorney said that the Complainant had “not follow[ed] the instructions of the presiding officer,” had “used profanity” and had “exposed [his] buttocks,” “act[ing] in a manner that was disruptive and disturbing of the conduct of normal business of the Board.” “As a result of [the Complainant’s] actions and unwillingness to abide by the meeting rules of the Board,” the letter advised the Complainant that he was “not to attend meetings of the Board . . . for a period of Six (6) months.” The County Attorney further advised the Complainant that a copy of the letter had been shared with local law enforcement officials.

On April 29, 2025, the Complainant tried to attend a meeting of the County Board. At the start of the meeting, the Board’s President asked the Complainant to leave, noting that he had been asked to stay away from Board meetings due to his “disruptive conduct.”⁷ The Complainant asked the President if he was asking the Complainant to leave an open meeting, and the President responded, “yes.” The Board recessed for about twenty seconds as the Complainant left the room.

On May 6, 2025, the Complainant again tried to attend a County Board meeting. At the start of the meeting, the President asked the Complainant to leave. The Complainant called the President a tyrant and left.⁸ According to the Complainant, he briefly left the premises of the meeting then returned at 9 a.m., when he again was told to leave the meeting.⁹

⁶ The County Board typically allows speakers three minutes each to address the body during public comment periods. See Board of County Commissioners of Washington County, *Meeting Conduct and Meeting Sequence*, <https://www.washco-md.net/wp-content/uploads/Meeting-Conduct-and-Meeting-Sequence-Rules.pdf> (last visited July 17, 2025).

⁷ A recording of the meeting is available at https://www.youtube.com/watch?v=3pwO9CtbgZI&list=PL7X-j0EwreAd_6kV3IjxO-XNwDNn0esS&index=16 (last visited July 17, 2025). The exchange between the County Board’s President and the Complainant begins around the 8:00 timestamp.

⁸ A recording of the meeting is available at https://www.youtube.com/watch?v=WFETNnKawag&list=PL7X-j0EwreAd_6kV3IjxO-XNwDNn0esS&index=3 (last visited July 17, 2025). The exchange begins around the 7:46 timestamp.

⁹ This does not appear on the recording of the meeting.

On May 13, 2025, the Complainant and a companion, each appearing to be using cell phones to record the proceedings, entered a County Board meeting while it was in progress and sat down in the audience. The presiding officer asked the Complainant to leave. Without saying a word, the Complainant got up and walked toward the exit. The presiding officer asked that the room be cleared, and the body recessed the meeting for about six-and-a-half minutes.¹⁰

Later on May 13, the Complainant attended a second meeting of the County Board. At the start of the meeting, the President asked the Complainant to leave.¹¹ The Complainant asserted the right to be present. After about a minute, the President asked everyone to clear the room and the Board recessed the meeting.¹²

Discussion

The Complainant has filed six separate complaints based on the events described above. He makes two basic assertions: first, that the County Board improperly threatened him with the March 20 letter, and second, that the County Board had no authority to ban him from attending County Board meetings for six months.¹³

As to the March 20 letter, we find no violation. The Complainant asserts that the letter was a threat, which he read as “demanding [that] [he] not attend open meetings.” Although we do not read the letter that way, “[w]e acknowledge that the Supreme Court of Maryland, in *City of New Carrollton v. Rogers*, said that ‘any action taken by [a] public body which discourages public attendance at [a] meeting to any substantial degree would likely violate the Act’s provisions.’” 18 *OMCB Opinions* 147, 151 (2024) (quoting 287 Md. 56, 69 (1980)). “But as we have previously explained, ‘the Court there was talking about actions like ‘locking . . . doors’ at the meeting site after giving notice of the meeting.” 18 *OMCB Opinions* 185, 186 (2024) (quoting 18 *OMCB Opinions* at 151). The March 20 letter simply advised the Complainant that if he acted in “a harassing and offensive manner,

¹⁰ A recording of the meeting is available at https://www.youtube.com/watch?v=u64n_0ok5XI&list=PL7X-j0EwreAd_6kV3IjxO-XNwDNn0esS&index=7 (last visited July 17, 2025). The relevant portion of the meeting begins around the 50:00 timestamp.

¹¹ A recording of the meeting is available at https://www.youtube.com/watch?v=ZJ7zrjAEQbc&list=PL7X-j0EwreAd_6kV3IjxO-XNwDNn0esS&index=10 (last visited July 17, 2025). The relevant portion of the meeting begins around the 00:46 timestamp.

¹² It is not clear from the recording how long the recess lasted.

¹³ The Complainant also mentions a defamation suit, filed by the President of the County Board, which the Complainant describes as “an intimidation tactic to scare [him] from attending public meetings and speaking out” against the Board President. But actions by a single member of a public body, in the member’s individual capacity, do not implicate the Act, which applies only to public bodies. See, e.g., 13 *OMCB Opinions* 21, 22 (2019). Thus, we do not address this allegation.

19 Official Opinions of the Compliance Board 178 (2025)

July 17, 2025

Page 182

the County [would] explore all legal options available to protect staff and citizens conducting legitimate County business.” We cannot say that such a statement amounted to improperly discouraging the public (specifically, the Complainant) from attending a meeting, in violation of the Act.

We turn then to the Complainant’s second allegation: that the April 8 letter, purporting to ban him from attending County Board meetings in person for a period of six months, violated the Act.

Under the Act, “the general public is entitled to attend” any open sessions of a public body. § 3-303(a).¹⁴ But a public body may remove an individual “if the presiding officer determines that the behavior of an individual is disrupting an open session.” §3-303(c). “We have rarely addressed the removal language in § 3-303(c).” 18 *OMCB Opinions* 70, 73 (2024); *see also* 12 *OMCB Opinions* 108, 110 (2018) (indicating that the provision would apply to someone objecting “disruptively” to a meeting closure); 8 *OMCB Opinions* 128, 133 (2013) (indicating that the provision would authorize a presiding officer to ask someone to move if they were recording the meeting in a disruptive manner). “But we have said that this provision ‘strikes a balance between, on the one hand, the public’s right to observe public business, and, on the other hand, a public body’s right to conduct that business free of disruption by members of the public.’” 18 *OMCB Opinions* 205, 206 (2025) (quoting 16 *OMCB Opinions* 133, 139 (2022)). “We have also recognized that ‘[a] public body has unquestioned power to prohibit any disturbance at its meetings.’” 18 *OMCB Opinions* 205, 206 (2024) (quoting 5 *OMCB Opinions* 154, 158 (2007) (some internal quotation marks omitted)).

Here, we do not understand the Complainant to be challenging his removal from the April 8 meeting at which he exposed his buttocks then argued with the Board President about whether he was disrupting the meeting. Rather, we take the Complainant’s grievance to be that the County Board violated the Act by banning him from attending future meetings in person. He emphasizes that the Act refers only to removal from “*an* open session” (emphasis added), and he asserts that banning him from “subsequent meetings” would “constitute an anticipatory breach of decorum.”

We have not previously confronted the question here: whether the Act permits a public body to ban an individual from attending a meeting in person based on the individual’s past disruptive behavior. But, for the reasons below, we conclude that the Act did not permit the County Board to ban the Complainant from future meetings.

We begin with the plain language of the Act. *See, e.g., Lockshin v. Semsker*, 412 Md. 257, 274-75 (2010) (recognizing that “[t]he cardinal rule of statutory interpretation is

¹⁴ Statutory references are to the General Provisions Article of the Maryland Annotated Code.

to ascertain and effectuate the real and actual intent of the Legislature” by first examining “the normal, plain meaning of the language of the statute”). As noted above, § 3-303(c)(1) says, “If the presiding officer determines that the behavior of an individual *is* disrupting an open session, the public body may have the individual removed.” § 3-303(c)(1) (emphasis added). We note first that the statute talks of *removal*, not prohibiting someone from *entering* a meeting. The word “remove” means “to change location,” “move,” or “get rid of,” see Merriam-Webster, <https://www.merriam-webster.com/dictionary/remove> (last visited July 17, 2025), which can only be done to a person who is already present in the meeting to begin with. Second, the statute uses the present tense—referring to an individual who “*is* disrupting an open session,” § 3-303(c)(1) (emphasis added)—which indicates that lawmakers intended to authorize public bodies to keep a person out of a meeting only when the person has disrupted that particular meeting.

We draw support for this reading from an opinion of the Delaware Office of the Attorney General, which examined similar statutory language in Delaware’s Freedom of Information Act. That statute allows for “the removal of any person from a public meeting who is wilfully and seriously disruptive of the conduct of such meeting.” Del. Code Ann. tit. 29, § 10004(d). The Delaware Office of the Attorney General concluded that the language does *not* permit a “public body to exclude a citizen from attending the meeting if it believes that the citizen *may* be disruptive.” Del. Op. Att’y Gen. 04-IB15 (2004) (emphasis added). In reaching this conclusion, the office emphasized that the statute uses the present tense of the verb “is.” *Id.* Thus, despite a town council’s attempts to ban a potentially disruptive citizen from public meetings, the Office found that the statute’s present-tense language does not apply “if the public body believes a person might disrupt the meeting.” *Id.*

We similarly conclude here that the Act’s use of the word “removed” and the use of the present tense mean that a public body may bar someone from a meeting when the person has been disruptive *in that meeting*. But the Act does not authorize a prospective ban based on the belief that a particular person *might be* disruptive in future meetings.

The County Board asserts that it has not violated the Act because the Complainant is not prohibited from remotely observing the Board’s meetings, which are livestreamed. To be sure, we have said that the Act’s “openness requirement does not mandate, in every instance, that a public body provide precisely the same type of access to every member of the public, regardless of the circumstances.” 15 *OMCB Opinions* 91, 93 (2021). “For example, we have found no violation when, because of space limitations, a public body permits some members of the public to observe a meeting from within the hearing room but requires others to listen via loudspeakers outside the room, 13 *OMCB Opinions* 58, 59 (2019), 10 *OMCB Opinions* 18, 19-20 (2016), or to watch a live video feed in an overflow room, 10 *OMCB Opinions* 40, 41-43 (2016).” *Id.* Here, however, the County Board is not excluding the Complainant due to space constraints. And we have previously advised that,

19 Official Opinions of the Compliance Board 178 (2025)

July 17, 2025

Page 184

“[g]enerally, if a public body is meeting in person, the public body must accommodate all members of the public who wish to attend in person.” 16 *OMCB Opinions* 133, 138-39 (2022); cf. 19 *OMCB Opinions* 46, 50 (2025) (concluding that a town council violated the Act by allowing only town residents to attend a meeting in person and requiring all other members of the public to observe the meeting remotely).

The County Board maintains that it has struck an appropriate balance under § 3-303(c)(1). In support of this assertion, the Board cites a 2022 opinion in which we found no violation of the Act when a local school board required an individual to observe a meeting remotely rather than attend in person. 16 *OMCB Opinions* 133, 138 (2022). But in that instance, the individual had been banned from school board property under a provision of the Education Article, not the Open Meetings Act. *Id.* at 136-37. We emphasized that “our opinion should not be read as authorizing in every instance a public body to allow all but one individual to attend a meeting in person.” *Id.* at 138. The reason that we found no violation there was because “a statutorily authorized no-trespassing order precluded the [individual] from attending the meeting in person.” *Id.* at 139. Deciding whether that order should have been issued was beyond our authority. *Id.* Thus, we “simply conclude[d] that, in light of that order and the [individual’s] attendant inability to attend the [school board’s] meeting in person, the [b]oard did not violate the Act by requiring the [individual] to observe the meeting via livestream.” *Id.* Here, by contrast, the County Board has pointed to no other statutory authority for banning the Complainant from attending meetings in person. And, as noted above, we do not read the Open Meetings Act to provide such authority.

The County Board also cites a 2024 opinion, in which we concluded that, “if a public body removes a large group of people from a meeting room without first determining that each of those individuals was causing a disruption, the body does not violate § 3-303(c) if the body provides meaningful alternative opportunities for the removed individuals to observe the meeting.” 18 *OMCB Opinions* 70, 75 (2024). But we think it important to read this statement in context. We said this about a crowded, boisterous meeting in which it might have been “difficult or even impossible . . . for [the] public body to determine exactly who ha[d] caused [the] disruption.” *Id.* We thus said that, *under those circumstances*, a public body would not necessarily violate the Act by removing large numbers of people from a meeting, without first determining that each person had caused a disturbance, provided that the body allowed the removed individuals to observe the meeting by another means, such as a livestream. *Id.* And even then, we said nothing about the body having the power to prohibit those same individuals from attending *future* meetings in person.

To summarize, we think the plain language of the Act does not authorize a public body to ban a member of the public from attending future meetings in person even if that individual has been disruptive in past meetings. We thus conclude that the County Board

violated the Act by prospectively banning the Complainant from attending Board meetings in person.

We hasten to add that the Act does not require the County Board to allow the Complainant (or any member of the public) to curse or expose their buttocks during Board meetings. “Although members of the public have the right to *observe* meetings, the Act does not afford the public the right to *participate* in a meeting.” 19 *OMCB Opinions* 5, 6 (2025). Thus, as we have often said, a “public body’s handling of public comments is simply not within the Act’s ambit.” 18 *OMCB Opinions* 70, 74 (2024). As such, a public body’s decisions regarding if or how members of the public may express themselves are generally not subject to the Act.¹⁵

Finally, we agree with the Delaware Office of the Attorney General that, “[a] public body is not without a remedy to protect the public safety when it has good reason to believe that a citizen might do harm to persons or property at a public meeting (for example, based on a previous history of disruption or actual threats).” Del. Op. Att’y Gen. 04-IB15 (2004). “If the public body can show an imminent threat of irreparable harm, then it can apply to the courts for a restraining order.” *Id.* Alternatively, there may be another statute, apart from the Act, that authorizes a ban of the individual from public property. *See, e.g.*, 16 *OMCB Opinions* at 136-37. We reiterate that our opinion today is merely that the Act itself does not authorize a public body to ban someone from future meetings.

Conclusion

We conclude that the County Board did not violate the Act by warning the Complainant, in the March 20 letter, that the County Board would “explore all legal options” if the Complainant acted in a harassing and offensive manner. We do, however, conclude that the County Board violated the Act by banning the Complainant from attending future meetings.

This Opinion is subject to the acknowledgement and announcement requirements of § 3-211.

Open Meetings Compliance Board

Runako Kumbala Allsopp, Esq.

Lynn Marshall, Esq.

¹⁵ We do not offer any opinion as to whether such decisions would implicate other laws, as “[o]ur authority is limited to interpreting the Open Meetings Act” 18 *OMCB Opinions* 84, 86 n.6 (2024).